IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 18971 of 1994

Between:

Mallepaka Yakamma, W/o. Upparaiah,
Sweeper, Khammam Municipality,
Khammam District.

..... PETITIONER

AND

1 The Khammam Municipality, rep.by its Municipal Commissioner,
Khammam, Khammam District.
2 The District Collector, Khammam,
Khammam District.

3. The Government of A.P. represented by its Secretary

HMA & UD Department, Secretariat, Hyderabad.

(R-3 is impleaded as per orders

in WPMP No.27885/1994 dt. 13-9-2004).

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction directing the respondents to convey and register the plot in Water Works Plots in Buranpuran or any other alternative plot in Khammam Municipality within a period of 4 months or issue any other appropriate order or direction as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For the Petitioner: MR.P.BALA KRISHNA MURTHY , Advocate

For the Respondent No.1: Mr. THIMMA REDDY, Advocate

For the respondents 2 and 3: GP FOR MUNCIPAL ADMN. & URBAN DEV.

The Court made the following :

ORAL ORDER

It is unfortunate case of the petitioner that though the petitioner's land to an extent of 184 sq.yards situate at Narasimha Swamy Temple Street in Khammam Municipal limits which was purchased by her, from out of the loan sanctioned by the respondent-Municipality, under a registered sale deed dt. 4-3-1985 was taken possession by the respondents for laying of a road in the year 1990, so far compensation has not been paid. When the petitioner approached the respondents for alternative site stating that she has been deprived of the property which was purchased by obtaining loan from the Municipality, Municipal Commissioner addressed a letter to the Mandal Revenue Officer with regard to the availability of government land in Burhanpuram. While so, the Municipal Council, by its resolution dt. 479 dt. 28-9-1991 resolved to allot 124 sq.yards in lieu of compensation for the land taken for laying road on condition that the petitioner should pay costs of extra land at the rate of Rs.20/- per sq.yard as the plot that is sought to be allotted is an extent of 208 sq.yards. So far, the respondents have not allotted the land as

promised by them.

The first respondent filed a counter-affidavit stating that the petitioner is the owner of the land to an extent of 220 sq.yards at Sweeper's Colony, Khammam Town, of which, 124 sq.yards was effected for formation of metal road under EI Scheme. In lieu of compensation, the Municipal council resolved to allot plot No.4 admeasuring 208 sq.yards at Burhanpur to the petitioner, out of which 124 sq.yards in lieu of her land effected due to formation of road and remaining land to an extent of 84 sq.yards by duly collecting cost of Rs.20/0 per sq.yard and the matter is accordingly placed before the District Collector for fixing the land value. Basis value as per the Sub-Registrar is R.150/- per sq.yard for the land proposed to be allotted to the petitioner and the remaining value of the land of 84 sq.yards comes to Rs.12600/0 at the rate of Rs.150/- per sq.yard. Since value exceeds Rs.10000/- the prior approval of the Government is required. Accordingly, they requested the Government through District Collector vide ROC No.5207/TPS/89 dt. 9-11-1992 for approval and the orders of the Government are awaited. On filing counter-affidavit the petitioner filed WPMP No.27885/94 for impleadment of Government as party, which is ordered to-day. In which notice was ordered. No counter-affidavit as such has been filed by the Government.

The Municipal Commissioner of Khammam Municipality filed an affidavit admitting that orders of the Government, so far, not yet received for allotting plot to an extent of 208 sq.yards in favour of the petitioner.

Having regard to the fact that petitioner being a lady and whose dreams have been shattered by acquiring the property, which was purchased by her by obtaining loan to have a shelter of her own, the Government being the Welfare State remedied the situation by issuing necessary permission for enabling the Municipal Council to transfer the said land in favour of the petitioner.

In view of the same, the third respondent is hereby directed to pass appropriate orders within three weeks form the date of receipt of a copy of the orders for enabling the Municipal Council to handover plot, which has to be allotted in lieu of compensation to the petitioner on the same rate which was fixed at the time of making proposal since the value of the property, which has been acquired would have been increased by this time, and on such orders being passed by the third respondent, the Municipal Council shall act according to the orders of the

Government.

With the above direction, the writ petition is accordingly disposed of. No costs.

_____ A.GOPAL REDDY,J

Dt. 13-09-2004

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1 The Khammam Municipality, rep.by its Municipal Commissioner, Khammam, Khammam District.
2 The District Collector, Khammam, Khammam District.

3. The Secretary, HMA & UD Department, Government of A.P., Secretariat, Hyderabad.

3. Two CCs to the G.P.for Municipal Administration, High Court Buildings, Hyderabad (OUT).

4. Two CD copies.